

June 28, 1999

To: Diane Erickson

From: Barbara Tom, ICSD PPMO

Subject: ~~Bureau of Conveyances RFP, Current Dilemma, Legal Advice/Comment~~
Requested

As you may be aware, the ICSD issued an RFP for the Bureau of Conveyances (BOC) for a second time. The first RFP was canceled prior to selection of contractor due to short funding and high bids for a solution.

The second RFP was restructured to provide for award of Phase 1 (Tasks 1-6 Part 1). Phase 2 (Tasks 7-11 Part 1), and Part 2 (task 12 which could be bid separately or by the bidder of Part 1). We have received proposals: five (5) for Part 1 and six (6) for Part 2.

The problem is that, for Part 1, only two proposals are in budget for Phase 1; others (three) are over budget. In addition, the BOC prefers a solution that mimics LCATS (present Wang system) so that staff is minimally impacted and only one proposal will keep LCATS screens etc. with enhancements and new hardware (Lange but over budget); others are for software packages which may or may not look like LCATS.

We need your advice, especially legal comment, as to how to proceed. The next step in the process is to select the top three priority listed offerors which we put off until next month (from due last Friday) to buy time to decide what to do. The BOC received copy of interim budget instructions which cut even more \$ from their budget and provides that contracts cannot be done until October (not in line with planned schedule) so the schedule change kills two birds.

Ideally we contract with one who is in budget with the stipulation that contractor work with Lange Group (the proposal that is over budget but will modify LCATS) on software solution. I suspect such an action is not in line with the RFP specs and may be illegal even though it is probably the best answer for BOC. The other question is how to select top three when only two are in budget and cost/price is only one of criteria? Can we use budget as the basis for selection of top three and award? Can we cancel the RFP again and try for sole source so we can contract with the vendor ideal for BOC?

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HELP! It would be good if you could sit in the next PEC meeting to discuss and decide what to do. The meeting has not been scheduled yet so I would like to know when you may be available.

I drafted an addendum intending to allow award by tasks rather than defined Phases for Part 1 but it may not help. What do you need to review in advance? I will copy for you.

I would appreciate a reply as soon as possible. I know you are very busy but really need your advice on this so we proceed legally.